

July 28 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Form 1

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

(To be assigned by the Clerk of the Supreme Court)

GARY SWENSON, JR.Attorney for pro seAddress 440 Colorado Blvd.Phone Glendive, MT 59330

Fax _____

E-mail _____

GARY SWENSON, JR.

Appellant,

v.

State of Montana,

Appellee.

NOTICE OF APPEAL

NOTICE is given that GARY SWENSON, JR. the Appellant above-named and who is the petitioner (plaintiff/petitioner/or other designation) in that cause of action filed in the seventh Judicial District, in and for the County of Richland, as Cause No. DV-09-107 hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 5th day of April, 2010.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal _____ is/is not X subject to the mediation process required by M. R. App. P. 7. If subject to mediation, the money judgment being sought _____ is/is not _____ less than \$5,000.
2. That this appeal _____ is/is not X an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."
3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.
4. That all available transcripts of the proceedings in this cause _____ have been/have not been X ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.
5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 25th day of July, 2010.W. J. Swenson, Jr.Attorney for pro se

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate

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copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

(list name and address of the Clerk of the District Court and each attorney or party served).

Dated this 25th day of July, 2010.

GARY SWENSON, SR.

Name

440 Colorado Blvd Glendive, MT 59330

Address

Wm Swenson, Jr. - Pro se

Title

Clerk of District Court
201 W. Main
Sidney, MT 59270

Mike Weber
Richland County Attorney
201 W. Main
Sidney, MT 59270

Montana Attorney General
215 N. Sanders
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